

Montana State Legislature

2013 Session

Additional Documents include:

- *Business Report**
- *Roll Call- attendance**
- *Standing Committee Reports,**
- *Table Bills, Fiscal reports etc.**
- *Roll Call Votes**
- *Witness Statements**
- *Informational items**
- *Visitor Registrations**
- *Any other Documents;**
 - ~Petitions if any?**
 - ~Any and all material handed in after the meeting end.**

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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Monday, February 25, 2013
Place: Capitol

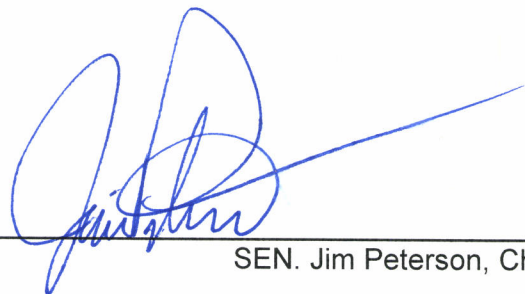
Time: 10:00 A.M.
Room: 303

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN:

SB 283 - Do Pass As Amended
SB 342 - Do Pass As Amended
SB 356 - Do Pass As Amended
SR 9 - Be Adopted As Amended
SB 25 - Be Tabled
SB 359 - Failed to pass; vote not reported out of committee

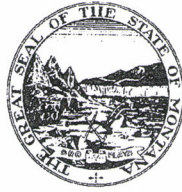
Comments:



SEN. Jim Peterson, Chair

DATE: 2/25/13

[illegible]



SENATE STANDING COMMITTEE REPORT

February 25, 2013

Page 1 of 5

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 283** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in black ink, appearing to read "Jim Peterson", is written over a horizontal line.

Senator Jim Peterson, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "SECTION"

Insert: "SECTIONS 20-6-105 AND"

2. Page 1, line 8.

Insert: "Section 1. Section 20-6-105, MCA, is amended to read:

"20-6-105. **Transfer of territory from one district to another -- hearing on effects of proposed transfer -- burden of proof -- standard of proof -- appeal to district court.** (1) (a) Except as provided in 20-6-214, 20-6-215, 20-6-308, 20-6-322, and ~~subsections~~ subsection (1)(b) and (1)(c) of this section, a petition to transfer territory from one school district to another, including petitions to expand an elementary district into a K-12 district under 20-6-326, may be presented to the county superintendent if:

(i) the petition is signed by 60% of the registered electors qualified to vote at general elections in the territory proposed for transfer;

(ii) the territory to be transferred is contiguous to or coterminous with the district to which it is to be attached, includes taxable property, and has school-age children ~~living~~ residing in it;

(iii) the territory to be transferred is not located within 3 miles, over the shortest practicable route, of an operating school in the district from which it is to be transferred; and

(iv) the board of trustees of the school district that would

Committee Vote:

Yes 7, No 3

Fiscal Note Required ☐

receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given.

(b) A petition to transfer territory to or from a K-12 district may not be presented to a county superintendent unless both school boards and the county superintendents have agreed in writing.

~~(c) Registered voters within the exterior boundaries of school districts that consolidated during the years 2004 to 2008 may petition for changes in their boundaries under the law in effect on July 1, 2005.~~

(2) Once a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for 4 years unless the county superintendents have agreed in writing.

(3) The petition for a transfer of territory must be delivered to the county superintendent and must:

(a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred;

(b) state the reasons why the transfer is requested; and

(c) state the number of school-age children residing in the territory.

(4) If both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer.

(5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would transfer the territory, the county superintendent shall:

(a) not more than 40 days after receipt of the petition, set a place, date, and time for a hearing to consider the petition; and

(b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred.

(6) The county superintendent shall conduct a hearing as scheduled, and any resident, taxpayer, or representative of the receiving or transferring district must, upon request, be heard. At the hearing, the petitioners have the initial burden of presenting evidence on the proposed transfer's effect on:

(a) the educational opportunity for the students in the receiving and transferring districts, including but not limited to:

(i) class size;

(ii) ability to maintain demographic diversity;

- (iii) local control;
- (iv) parental involvement; and
- (v) the capability of the receiving district to provide educational services;
- (b) student transportation, including but not limited to:
 - (i) safety;
 - (ii) cost; and
 - (iii) travel time of students;
- (c) the economic viability of the proposed new districts, including but not limited to:
 - (i) the existence of a significant burden on the taxpayers of the district from which the territory will be transferred;
 - (ii) the significance of any loss in state funding for the students in both the receiving and transferring districts;
 - (iii) the viability of the future bonding capacity of the receiving and transferring districts, including but not limited to the ability of the receiving district and the transferring district to meet minimum bonding requirements;
 - (iv) the ability of the receiving district and the transferring district to maintain sufficient reserves; and
 - (v) the cumulative effect of other transfers of territory out of the district in the previous 8 years on the taxable value of the district from which the territory is to be transferred. In cases where the cumulative effect of other transfers of territory out of the district in the previous 8 years is equal to or greater than 25% of the district's taxable value, the following additional factors must be considered and weighed in the decision:
 - (A) the district's rate of passage of discretionary levies placed before the voters over the previous 8 years;
 - (B) the district's reduction or elimination of instructional staff or programs over the previous 8 years; and
 - (C) any increase in district taxes over the previous 8 years and the likely increase in district taxes if the transfer is granted.
- (7) After receiving evidence from both the proponents and opponents of the proposed territory transfer on the effects described in subsection (6), the county superintendent shall, within 30 days after the hearing, issue findings of fact, conclusions of law, and an order.
- (8) If, based on a preponderance of the evidence, the county superintendent determines that the evidence on the effects described in subsection (6) supports a conclusion that a transfer of the territory is in the best and collective interest of students in the receiving and transferring districts and does not negatively impact the ability of the districts to serve those students, the county superintendent shall grant the transfer. If the county superintendent determines that, based on a preponderance of the evidence presented at the hearing, a transfer of the territory is not in the best and collective interest of students in the receiving and transferring districts

and will negatively impact the ability of the districts to serve those students, the county superintendent shall deny the territory transfer.

(9) The decision of the county superintendent is final 30 days after the date of the decision unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the county superintendent's decision constituted an abuse of discretion under this section. The effective date of the decision is July 1 following the issuance of the decision by the county superintendent.

(10) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (6) and in issuing the decision required in subsection (8). The decision issued under subsection (8) must be made by a majority of the county superintendents.

(11) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purposes of this section.

(12) If bonded indebtedness has been approved by the voters of an existing school district prior to the transfer of territory, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the territory of the district as it existed at the time the bonded indebtedness was approved by the voters."

Renumber: subsequent sections

3. Page 1, line 11.

Strike: "may"

Insert: "that is not part of a unified school system or governed by a joint board with a high school district may seek to"

4. Page 1, line 12.

Strike: "only if"

Insert: "pursuant to the process set forth in 20-6-105 only if the elementary district's ANB, calculated as provided in 20-

9-311, is at least 1,000."

5. Page 1, line 19 through page 2, line 3.

Strike: "at" on line 19 through "July 1." on page 2, line 3.

Insert: "(2)"

Renumber: subsequent sections

6. Page 2, line 13 through line 14.

Strike: "prior" on line 13 through "sold" on line 14

7. Page 2, line 15.

Strike: "original"

Following: "territory"

Insert: "of the district as it existed at the time the bonded indebtedness was approved by the voters"

- END -



SENATE STANDING COMMITTEE REPORT

February 25, 2013

Page 1 of 2

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 342** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in dark ink, appearing to read "Jim Peterson", written over a horizontal line.

Senator Jim Peterson, Chair

And, that such amendments read:

1. Title, page 1, line 5.

Following: "DESCRIPTION;"

Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 22.

Following: "sign language"

Insert: "and to assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5. Program elements may include but are not limited to:

- (a) language classes;
- (b) audio and visual recordings;
- (c) language immersion camps;
- (d) creation of dictionaries;
- (e) storytelling; and
- (f) publication of literature"

3. Page 1, line 23.

Following: line 22

Insert: " (2) The state-tribal economic development commission established in 90-1-131 shall administer the program and, in collaboration with the Montana historical society, the state director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe, establish rules and guidelines for the program."

Renumber: subsequent subsections

Committee Vote:

Yes 9, No 1

Fiscal Note Required ____

4. Page 1, line 23.

Strike: "office of public instruction"

Insert: "state-tribal economic development commission"

5. Page 1, lines 23 and 24.

Following: "purpose" on line 23

Strike: "to" on line 23 through "reservations" on line 24

Insert: "equally to each tribal government located on the seven
Montana reservations and to the Little Shell Chippewa tribe"

6. Page 1, line 25.

Strike: "councils"

Insert: "governments"

7. Page 1. line 28.

Following: line 27

Insert: "(a) the governor's office of Indian affairs;"

Renumber: subsequent subsections

8. Page 2, line 7.

Strike: "councils"

Insert: "governments"

9. Page 2, line 8.

Strike: "(3)"

Insert: "(4)"

10. Page 2, line 13.

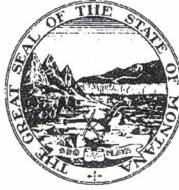
Strike: "All"

Insert: "Any"

Following: "tribe"

Insert: " but may be negotiated between the tribe and other
partnering entities"

- END -



SENATE STANDING COMMITTEE REPORT

February 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 356** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in black ink, appearing to read "Jim Peterson", is written over a horizontal line.

Senator Jim Peterson, Chair

And, that such amendments read:

1. Title, page 1, line 4 through line 6.

Strike: "A PARENT" on line 4 through "PROCESS" on line 6

Insert: "CERTAIN SCHOOL ASSIGNMENT DECISIONS ARE SUBJECT TO THE DISTRICT'S GRIEVANCE POLICY"

2. Page 1, line 30 through page 2, line 4.

Strike: subsection (6) in its entirety

Insert: "(6) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final."

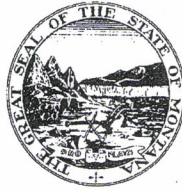
- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

SB0356001SC.swr



SENATE STANDING COMMITTEE REPORT

February 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that Senate Resolution 9 (first reading copy -- white) be adopted as amended.

Signed: 

Senator Jim Peterson, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "SUPPORTING"

Insert: "ACKNOWLEDGING"

2. Page 1, line 27.

Strike: "provides its support behind"

Insert: "acknowledges"

3. Page 1, line 29 through line 30.

Strike: "supports" on line 29 through "improve" on line 30

Insert: "is committed to improved"

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

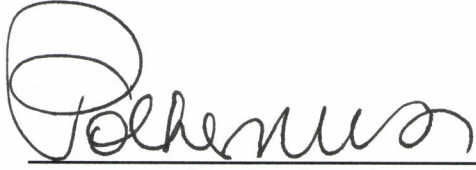
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BILL TABLED NOTICE

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

The **SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE** TABLED
SB 25 - Increase reimbursement rates for pupil transportation - Sen. Greg Jergeson
, by motion, on **Monday, February 25, 2013.**


(For the Committee)


(For the Secretary of the Senate)

1:10 , 2/25
(Time) (Date)

February 25, 2013 (1:06pm)

Elizabeth Whiting, Secretary

Phone: 444-7363

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2/25/13 BILL NO SB359 MOTION NO. Reconsider
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		

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MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2/25/13 BILL NO SB 359 MOTION NO. DPAA
MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN		✓	
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		

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MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2/25/13 ^{SB} BILL NO 283 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		

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MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2/25/13 BILL NO SB342 MOTION NO. PPAA
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		

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MONTANA STATE SENATE

Roll Call Vote

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 2/25/13 BILL NO 8B 356 MOTION NO. OPAA
 MOTION: _____


NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		

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SENATE PROXY

I, Senator Sharon Stewart-Peregoy hereby authorize Senator Tom Facey to vote my proxy before the Senate Education and Cultural Resources meeting held on 2/25/13, 2013.


 Senator Signature

2/25/13

Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

